M

GOVERNMENT OF MADRAS. Sectt. II-28 —60,000—31-10-50.

Health (1951) Department.

~~Endorsement~~
~~D.O.~~
Memorandum
~~Lodged~~

No. 39006-P2/50-6 Health

Dated 12 — 5 — 1951

closed
cl
Supdt

FURTHER PAPERS.

Department.	Number.	Series.	Date.
Revision petition - E&H - public Health - udipi Municipality K S Nayak - probationary Sanitary Inspector			

---1--F.

U d i p i,
Dated 23-10-1950.

From

K.S. Nayak,
Formerly Sanitary Inspector,
Udipi Municipality,
Kadbettu Road, Udipi, (South Kanara)

To

39006

The Secretary to Government,
Health Department,
Fort St. George, M a d r a s.

Sir,

Sub: Revision petition -- Establishment - Public Health - Udipi Municipality - K.S. Nayak - Probationary Sanitary Inspector.

Ref: (1) My Appeal to Director of Public Health dated 9-6-1950.

(2) D.No.645-E3-50 from the Director of Public Health dated 28-9-1950. ₹23(B)

In inviting attention of the Government to my appeal petition first cited copy submitted already (copy now enclosed) and the orders of the Director of Public Health thereon second cited, I beg to state that my case does not appear to have received a proper and careful consideration what it deserves, presumably due to the fact that I failed to make the grounds of my appeal clear. I therefore submit this petition giving merely the additional facts which have not been made clear in my appeal, the consideration of which will enable the government to do justice in my case.

Sri H.W.Nayak, the permanent Sanitary Inspector of Udipi Municipality, applied for leave from 1-9-1946 not out of any real disability, though it was put forward as an ostensible reason, but purely with the object of doing business. He was doing insurance business for the Popular Insurance Co.,Ltd., on behalf of his wife, Mrs. Prema Bai as a Special Agent. A ~~copy of the~~ letter dated 15-12-1947 from the Company enclosed herewith will bear out the truth of my statement. This will be borne by the fact that he registered a limited concern at Mangalore called 'Nayak Bros. Ltd.' on 1-2-1947 while on leave

NRP 6/11/50.

While retiring from service he applied for permission to accept

an appointment elsewhere which was granted. Even before his retirement he was the Manager & Director of his concern and his wife was another Director. Thus; he was doing business actually while on leave without even taking permission to take an employment elsewhere. His request for permission to take up an appointment elsewhere at a very late stage was only a camouflage to the irregularity committed by him earlier by taking a job even while he was on leave.

Sri R.W.Nayak's retirement was also with a view to draw his provident fund amount to invest it in the business. After a lapse of three years and establishing the business he thought of earning a salary from the Municipality, at the same time and be in a position to attend to his --- business also, thereby being benefitted bothways, he --- simply applied for reinstation on the flimsy ground that the Accountant-General refused to pay him pension on the ground that he was ineligible for it.

Ordinarily one deserves compassion at the Laws of Government on the ground that he is left out even without a pension, but in this case it is my humble contention that there is absolutely no case for compassion of any sort as he left the service only with the object of doing business and investing his Provident Fund amount in the business. In fact, he did business even while he was on leave, even without taking the permission of the Municipality to seek employment elsewhere as can be seen from the copy of the Insurance Company's letter -- to me, which is enclosed herewith. The Municipal service should not in my humble opinion be kept open for persons to leave at their will and step in at their pleasure, -- affecting the interests of persons like me who have ---- acquired certain statutory rights to the post by having completed the period of probation on 7-12-1948. I have been officiating in the permanent vacancy which can be

made out from R.O.C.No.A2299/47 dated 15-6-48 which is enclosed herewith. Whereas the Health Officer has--- alleged that I was only an acting Sanitary Inspector --- and has recorded in my service register that I was acting in persuance of R.O.C.No.A-2299/47 dated 15-6-48 which is quite contrary and ousted me without giving notice at all.

The Health Officer after fully satisfying himself that SriR.W.Nayak had put in enough service to retire from Municipal service had permitted him to retire and disbursed the Provident Fund amount. The service register and Provident Fund account of Sri R.W. Nayak were duly audited by the District Inspector of L.F.Account thereafter and was approved.

OFFICE OF THE DIRECTOR OF PUBLIC HEALTH MADRAS 12 JAN 1951

Further it is understood that the said Sri R.W.Nayak has not so far refunded the Provident Fund amount drawn by him at his faked retirement.

The Municipal Commissioner while addressing the --- Accountant-General Madras in his Ref. R.O.C.No.D1-496-2/50 dated 27-2-50 did not state that I was officiating in the permanant vacancy as per R.O.C.No.-A-2299/47 dated 15-6-48 subsequent to the retirement of Sri R.W.Nayak as per R.O. C.H.142-1-48 dated 12-5-48 and the fact that the Provident Fund amount of Sri R.W.Nayak has been disbursed was also omitted, which facts are evident that the retirement became effective as per Provident Fund rules. In the absence of the above facts and the bare reference on Sri.R.W.Nayak, the Accountant-General in his memo. No. P.V.Misc.II-6512 dated 21-3-50 stated that there is no audit objection for the reinstatement of Sri R.W.Nayak. Simultaneously the adverse effects on administrative points were not considered.

R.O.C.No.D1-496-3-50 dated 10-4-50 of the Municipal Health Officer clearly shows that Sri R.W.Nayak - Sanitary Inspector - Reappointment of - orders passed For the reappointment of Sri R.W.Nayak on administrative grounds requires previous sanction of the Government which was not at all sought.

Sri. R.W.Nayak did not submit a fitness certificate while joining duty. Subsequent to my submission of first appeal dated 9-6-1950 and to rectify the irregularity pointed out by me in my appeal dated ---- 9-6-1950 the Health Officer had issued a medical requisition to the Civil Assistant Surgeon, Udipi on 15-7-50, and asked Sri R.W.Nayak to produce a fitness certificate within a specified period. Sri R.W.Nayak waited till the Assistant Surgeon proceeded on leave and managed to obtain a certificate from a Class II Woman Medical Officer on 25-7-1950.

Further the auditor who inspected the Municipal Accounts after the reinstatement of Sri. R.W.Nayak raised an objection for want of Government sanction for his reinstatement. It is understood that the matter has been referred to the Examiner, Local Fund Accounts, for clarification.

The retirement order R.O.C.No.H-142-1-48 dated 12-5-48 was issued to Sri R.W.Nayak in May 1948. While he was in service, he was making preparations for taking up business and subsequent to that he went on -- lea-ve from 1-9-46 with the very idea of doing business. He had established his Popular Insurance business and the 'Nayak Brothers Ltd.' (registered on 1-2-47 at Mangalore) by the time of the issue of retirement order in May 1950. In case if he had not been permitted to retire, he would have resigned from service and taken up business.

From all these abovementioned additional points, it will be quite clear that the whole affair has been fishy and not straight.

I therefore humbly request the Government to reconsider the whole matter in the light of additional points now let in in this petition, and do justice by revising the orders issued by the Director of public Health in his reference second cited.

Yours faithfully,
K.S. Nayak
13/8/50

U d i p i,
Dated: 9--3--1950.

From

K. S. Nayak,
(Formerly, Sanitary Inspector),
Udipi Municipality,
KADEETTU ROAD, UDI-I (SOUTH KANARA)

To

The Secretary to Government,
Health Department,
Fort St. George,
M A D R A S.

~~Through the proper channel.~~

Sir,

Sub: Appeal - Establishment - public Health -
Udipi Municipality - K. Shankernarayana Nayak -
Probationary Sanitary Inspector -

I beg to submit that in one of the two posts of Sanitary Inspectors in the Udipi Municipality I was appointed with -- effect from 6-10-1946 as an acting Sanitary Inspector vice Mr. R.W.Nayak on leave as per R.O.C.No.A-6349-1-46 dated -- 21-11-1946 of the H.H.C. Udipi Municipality. Mr. R.W.Nayak prior to his appointment as Municipal Sanitary Inspector with effect from 1-7-1942, was a vaccinator in the South Kanara District Board and the Udipi Municipality which was a pensionable service. With his appointment as Municipal Sanitary Inspector, a non-pensionable service, he was admitted to the benefits of the Municipal Provident Fund and he was subscribing the said Fund. Mr. R. W. Nayak was on leave without Medical Certificate first and with Medical Certificate later from 1-9-1946 to 31-12-1947. Mr. R. W. Nayak thereafter -- requested that he might be retired from service on the ground that he was unable to do out-door work and accordingly orders were issued in R.O.C.No.142-1-48 dated 12-5-1948 permitting him to retire from service.

I was appointed as a probationary Sanitary Inspector in this vacancy with effect from 1-1-48. The retirement order was actually issued on 12-5-1948 and the grounds on which he was permitted to retire was that he was not fit for out-door duty and he was also given permission to seek employment elsewhere. Mr. R.W.Nayak thereupon applied to the accountant -

General for his pension which was turned down on the ground that he was not eligible for any pension as he did not complete 25 years of service nor completed his 55th year nor had been invalidated. When Mr. R.V. Nayak found that he could not get pension, he applied to the Municipal Health Officer to be permitted to rejoin service cancelling the permission given for retirement, which became effective --- from 1-1-1948 in as much as the Municipal Provident Fund Account of Mr. R. V. Nayak was closed and all the amounts standing at his credit were paid to him. The Accountant General Madras thereupon was consulted who simply said that there was no audit objection to such permission being -- accorded, evidently because he (A.G.) was not aware that the retirement of Mr. R.V.Nayak became effective as stated above. It was a purely administrative matter and my very humble submission is that Mr. R. V. Nayak should not have been permitted to join service as they did in H.H.C's proceedings H.O.C.No.D1-496-3/50 dated 10-4-1950, without taking into consideration the adverse effect it would have on me, a regular probationer to the service. Furth r the circumstances under which Mr. R. V. Nayak was permitted to retire also seems to have been lost sight of. It was clearly on his inability to do out-door work he was permitted to retire. The fact that he was not eligible for any pension should not have altered the decision in favour of Mr.R.V. Nayak. If the service put in by Mr. R.V.Nayak fell short of the minimum required to earn his pension, he should -- have been paid under Civil Service Regulations and other rules a lump-sum.gratuity calculated according to the -- length of the service, rather than allowing him to rejoin duty after about 8½ years of his actual retirement treating his long absence as extraordinary leave. The proceedings in this regard, besides not being in the interest of Municipal administration, has caused maximum harm and infinite injustice to the appellant. It is a great injustice to me to have taken back to service Mr. R. V. Nayak

after he had been out of the Municipal service for over 3½ years and after 28 months after the date from which he was permitted to retire.

I beg to appeal against the orders of the Municipal Health Officer, Udipi in his proceedings dated 10-4-1950, permitting Mr. R. V. Nayak to rejoin duty and casting me from service after the completion of nearly 3½ years of continuous service in the Udipi Municipality. It is submitted in this connection that before permitting Mr. R. V. Nayak to rejoin duty - neither the Director of Public Health nor the Government was consulted.

I therefore humbly appeal against the orders of the Municipal Health Officer in his proceedin s dated 10-4-1950 on the following grounds:-

(1) Mr. R.V. Nayak was clearly found unfit for out-door duty when he was permitted to retire.

(2) The fact that Mr. R.V. Nayak was not in a position to get any pension should not have influenced the Municipal Health Officer to take him back to service after a lapse of nearly 4 years, even without getting the opinion of the D.H.O., whether he would be fit for out-door duty.

(3) Any such order of reappointment should have been issued with the orders or in prior consultation with the Government.

(4) The retirement became effective as the Provident Fund Account of Mr. R. V. Nayak opened for the period of non-pensionable service from 1-7-1942 was closed and all the amounts standing at his credit was paid to him.

(5) The fact that the permission given to Mr. R.V. Nayak to rejoin duty will adversely affect the interest of a probationer (that is myself) should have been taken into consideration while deciding the issue.

In view of all these points I humbly request Government to do justice to me reversing the orders issued in the Municipal Health Officer's proceedings dated 10-4-1950 and reinstating me in service as Municipal Sanitary Inspector.

Yours faithfully,
K.S. Nayak
9/6/50

1) Copy submitted to the Director of Public Health for favour of necessary action.
2) Copy submitted direct to the Secretary to Govt., Health Department, Madras for favour of necessary action.

Dpc'r 15/11/50

Memo No: 39006 – P/50 – Uhealth dated 15-11-50

Health Cell

C. No: 39006/50

Sub:- Estt – P.H – Indipi Municipality – Sri. K. S. Nayak, Ex – Sanitary Inspector – Petition against re-instatement of Sri. R.W. Nayak as Sanitary Inspector.

43/16.11

From Sri. K. S. Nayak, petition dated 23-10-50

Referred to the Commissioner, Indipi Municipality, for remarks. The Commissioner is requested to resubmit the papers with his remarks through the D.P.H

MRP
15-11-50

15/11/50

15/11/50

Dpc'r W.E. 18/11/50

To the Commr. Indipi Mly, thro' the C.M.O (with c.f. in orgl to be returned with reply)

Copy to the D.P.H.

MRP 15/11/50

4

Memo No: 39006 – P/50 – 2 Health dated 6-1-57

Health

Sub: Estt – P.H – Udipi Municipality –
Sri. K. S. Nayak, Ex – Sanitary Inspector
Petition against re-instatement of Sri K.W. Nayak
as Sanitary Inspector.

19/8-1

Ref: Govt Memo No. 39006-P/50-1 Health dt 15-11-50

Plate

The Commissioner, Udipi Municipality is requested to submit his reply to the memo cited at an early date, if it has not already been submitted through the D.P.H. as required in the memo.

Planned

To
The Commr.,
Udipi Mty,
thro' C.M.C

N.Dis.No.8628/50.

Municipal Office, Udipi, --
Dated 4. 1. 1951.

From

Sri R. A. Kamath,
Municipal Commissioner, Udipi.

To

The Secretary to Government,
Health Department,
Fort St. George, Madras.

The Chairman, Municipal Council, Udipi.
and
The Director of Public Health, Madmas.

ASSISTANT SECRETARY
12 JAN 1951
HEALTH DEPARTMENT

Sir,

1985

ESTABLISHMENT - Public Health - Udipi Municipality Sri K. S. Nayak - Ex-Sanitary Inspector-Petition against reinstatement of Sri R. W. Nayak as Sanitary Inspector-remarks submitted.
Ref:-Government Memo.No.39006-P/50-1 Health, dated 15th November 1950.

In obedience to the Government Memorandum quoted above I submit herewith the remarks of the Municipal Health Officer on the petition dated 23rd October 50 of Sri K. S. Nayak Ex-Sanitary Inspector against the reinstatement of Sri R. W. Nayak as Sanitary Inspector.

A copy of this office letter Roc.No.D1-496-2-50 dated 27-2-50 to the Accountant General together with his reply received thereon is also enclosed.

R. A. Kamath
Commissioner.

Copy submitted to the Secretary direct.
Encl:-3 only.

Forwarded,

Vice Chairman,
Municipal Council, Udipi.

KMR:5.1.

Ref.No.Memo 39006-P/50-1 Health, dated 15-11-50 from the Govt. of Madras.

Retransmitted to the Commissioner, Udipi Municipality, with the following remarks.

The only two additional points which he has raised in his second petition are:-

1. R.W.Nayak's doing business even when he was on leave.

2. Evading the Assistant Surgeon.

Both these are easily explained.

Regarding 1. R.W.Nayak was on medical leave only from 1-1-47 to 29-1-47 after which he was given after initial refusal, extraordinary leave till 31-12-47 only to enable him to try other ways of earning for some time. There was no camouflage at all and there was nothing wrong in what he did with the knowledge of the Commissioner when on extraordinary leave given for this purpose.

Regarding 2. He was asked to produce previous medical Certificate by the Assistant Surgeon. When the Sanitary Inspector went to him with the file containing this certificate, the Assistant Surgeon was found having gone on Casual leave for ten days. An urgent report had to be sent to the Director of Public Health, and a Certificate from the Assistant Surgeon in charge ah M.B.P.S., was accepted. There was nothing wrong in this. There are no grounds mentioned for evading the Assistant Surgeon. The allegation is entirely baseless and wrong. There was at that stage no obligatory reason for getting a medical certificate, two months after he had been working again. But I called for a certificate only to test my own opinion of his clear fitness.

All the other minor points raised by him in a slightly disguised garb, are only a repetition of those given in his previous petition and have been so fully dealt with in my previous report dated 29-7-1950, that it is not necessary to write again about each.

The Director of Public Health has perused and scrutinised all the connected records and rejected his petition. This petition which contains nothing material to change the conclusion of the Director of Public Health, deserves also to be rejected.

K Ramachandra Rao 3/1/51

Udipi. Dated the 3rd January 1950. Health Officer.

Udipi Municipality, Udipi.

21

From the Commissioner, Udipi Municipality, Udipi.

To the Accountant General, Madras.

Copy of Roc.No.D1-496-2-50 dated 27-2-50.

Sri R. W. Nayak, a qualified First Class vaccinator under the South Kanara District Board was transferred to the non pensionable post of a First Class Vaccinator-cum-Registrar of Births and Deaths under the Udipi Municipality in accordance with the instructions issued in G.O.No.MS.3675, P.H., dated 27-11-1942. He joined the new post on 14-5-41 and was subsequently promoted as Sanitary Inspector and confirmed in this post.

He went on leave from 1-9-46 to 31-12-47 and on 18-6-48 requested the Municipal Health Officer, to treat him as retired from service with effect from the forenoon of 1-1-48. He was accordingly permitted to reitre from service and his pension papers were forwarded for fixing up the pension admissible to him. The Accountant General, Madras in his reply No. P.V.No.26/373/5059 dated 5-1-50 informed that the retirement of the Sanitary Inspector is not in order as he neither attained the age of superannuation nor was invalidated from service.

This order was duly communicated to Sri R. W. Nayak in this office D.Dis.No.3664/49 dated 19-1-50. Sri R. W. Nayak on receipt of this communication now submits in his petition dated 28-1-50 (copy enclosed) that he is prepared to rejoin duty if so desired.

In the circumstances, I request to be informed whether I may permit the Municipal Health Officer to entertain in service Sri R. W. Nayak as Municipal Sanitary Inspector under the Udipi Municipality and treat the period of his absence from duty from 1-1-48 till the date of his joining duty as leave on loss of pay, so that he may complete the service required for earning his pension. An early reply is requested.

Sd.....
Commissioner.

// True copy //

5.1.51

for Commissioner.

5/1/51

KMR.5.1.

From the Accountant General, Madras.
To the Municipal Commissioner, Udipi

Copy of P.V.Misc.II.6512 Dated 21-3-50.

There is no audit objection to the proposal set out in the last para of your letter quoted above.

Sd.....
Asst.Accounts Officer.

// True copy //

5.1.51.

KMR.5.1.51 3/1 Commissioner.

5/1/51

C.No: 39006/58

Memo No: 39006 – P2/58 – 3 Health dated 13-2-57 Health-I

Sub: Estt – P.H – Udipi Municipality – Sri K. S. Nayak, Ex-Sanitary Inspector – Petition against reinstatement of Sri. K. V. Nayak as Sanitary Inspector.

Ref: Govt Memo No: 39006 – P/58 – 1 Health dt 15-11-58 from the Commr., Udipi Mby, No. Dis. 8628/58 dt 4-1-57.

The D.P.H. is requested to transmit with his remarks, at an early date, the papers relating to the subject mentioned above

To The D.P.H

13/2/57

Memo No: 3900 6 — P2/50 - 4 Health dated 13-3-51.

Sub: Estt — P.H — Adipur Municipality — Sri R.S Nayak, Ex — Sanitary Inspector — Petition against re-instatement of Sri R.W. Nayak as Sanitary Inspector.

Reminder I

Ref: ~~Govt Memo no. 3900 6 P/50 - 1 Health dt 15-11-50~~

Govt Memo No. 3900 6 — P2/50 - 3 Health dt 13-2-51

The D.P.H. is requested to submit with his remarks, at an early date, the papers relating to the subject mentioned above.

13.3.51

12-3-51

13/3/51

To the D.P.H

K.H

P

ASSISTANT SECRETARY
1 APR 1951
HEALTH DEPARTMENT

Public Health Department.

From
Dr.T.Lakshminarayana, D.P.H.(Lond).,
Director of Public Health Madras.10.

To
The Secretary to Government,
Health Department, Madras.9.

14781

R.No. 84169..2.E.3. 50 dated 27.3.1951.

Sir,

Sub: Establishment Public Health- Udipi Municipality- Sri K.S. Nayak-Ex- Sanitary Inspector- Petition against reinstatement of sri K.S.Nayak as Sanitary Inspector :-

Ref: Government Memo no. 39006. P.2.50-4.Health dated 13.3.1951.

.....

N.R. 1.5.51

P. 1.4.51

The matter is under correspondence with the Municipal Health Officer, Udipi and the papers will be forwarded to Government with my remarks on receipt of the particulars called for

Yours faithfully,

for Director of Public Health Madras.

31/3/51

krg. 30.3.

393.

29

N.Dis.No.8628/50. Municipal Office, Udipi,
Dated 4. 1. 1951.

From

Sri K. A. Kamath,
Municipal Commissioner, Udipi.

To

The Secretary to Government,
Health Department,
Fort St. George, Madras.

Thro'

The Chairman, Municipal Council, Udipi.
and
The Director of Public Health, Madras.

Sir,

ESTABLISHMENT - Public Health - Udipi Municipality Sri K. S. Nayak - Ex-Sanitary Inspector-Petition against reinstatement of Sri R. W. Nayak as Sanitary Inspector-remarks submitted.
Ref:-Government Memo.No.39006-P/50-1 Health, dated 15th November 1950.

In obedience to the Government Memorandum quoted above I submit herewith the remarks of the Municipal Health Officer on the petition dated 23rd October 50 of Sri K. S. Nayak Ex-Sanitary Inspector against the reinstatement of Sri R. W. Nayak as Sanitary Inspector.

A copy of this office letter Roc.No.B1-496-2-50 dated 27-2-50 to the Accountant-General together with his reply received thereon is also enclosed.

R. A. Kamath 5.1.51
Commissioner.

Copy submitted to the Secretary direct.
Encl:-3 only.

5/1/51
Forwarded,
Vice Chairman.
Municipal Council, Udipi.
5/1/51

KMR:5.1.

Ref.No.Memo 39006-P/50-1 Health, dated 15-11-50 from the Govt. of Madras..

Retransmitted to the Commissioner, Udipi Municipality, with the following remarks.

The only two additional points which he has raised in his second petition are:-

1. R.W.Nayak's doing business even when he was on leave.

2. Evading the Assistant Surgeon.

Both these are easily explained.

Regarding 1. R.W.Nayak was on medical leave only from 1-1-47 to 29-1-47 after which he was given after initial refusal, extraordinary leave till 31-12-47 only to enable him to try other ways of earning for some time. There was no camouflage at all and there was nothing wrong in what he did with the knowledge of the Commissioner when on extraordinary leave given for this purpose.

Regarding 2. He was asked to produce previous medical Certificate by the Assistant Surgeon. When the Sanitary Inspector went to him with the file containing this certificate, the Assistant Surgeon was found having gone on Casual leave for ten days. An urgent report had to be sent to the Director of Public Health, and a Certificate from the Assistant Surgeon in charge ah M.B.B.S., was accepted. There was nothing wrong in this. There are no grounds mentioned for evading the Assistant Surgeon. The allegation is entirely baseless and wrong. There was at that stage no obligatory reason for getting a medical certificate, two months after he had been working again. But I called for a certificate only to test my own opinion of his clear fitness.

All the other minor points raised by him in a slightly disguised garb, are only a repetition of those given in his previous petition and have been so fully dealt with in my previous report dated 29-7-1950, that it is not necessary to write again about each.

The Director of Public Health has perused and scrutinised all the connected records and rejected his petition. This petition which contains nothing material to change the conclusion of the Director of Public Health, deserves also to be rejected.

K Ramachandra Rao
3/1/57

Udipi. Dated the 3rd January 1950. Health Officer.

Udipi Municipality, Udipi.

From the Commissioner, Udipi Municipality, Udipi.

To the Accountant General, Madras.

Copy of Roc.No.D1-496-2-50 dated 27-2-50.

Sri R. W. Nayak, a qualified First Class vaccinator under the South Kanara District Board was transferred to the non-pensionable post of a First Class Vaccinator-cum-Registrar of Births and Deaths under the Udipi Municipality in accordance with the instructions issued in G.O.No.MS.3675, P.H., dated 27-11-1942. He joined the new post on 14-5-41 and was subsequently promoted as Sanitary Inspector and confirmed in this post.

2 He went on leave from 1-9-46 to 31-12-47 and on 18-6-48 requested the Municipal Health Officer, to treat him as retired from service with effect from the forenoon of 1-1-48. He was accordingly permitted to reitre from service and his pension papers were forwarded for fixing up the pension admissible to him. The Accountant General, Madras in his reply No. P.V.No.26/373/5059 dated 5-1-50 informed that the retirement of the Sanitary Inspector is not in order as he neither attained the age of superannuation nor was invalidated from service.

3 This order was duly communicated to Sri R. W. Nayak in this office D.Dis.No.3664/49 dated 19-1-50. Sri R. W. Nayak on receipt of this communication now submits in his petition dated 28-1-50 (copy enclosed) that he is prepared to rejoin duty if so desired.

4 In the circumstances, I request to be informed whether I may permit the Municipal Health Officer to entertain in service Sri R. W. Nayak as Municipal Sanitary Inspector under the Udipi Municipality and treat the period of his absence from duty from 1-1-48 till the date of his joining duty as leave on loss of pay, so that he may complete the service required for earning his pension. An early reply is requested.

Sd.....
Commissioner.

// True copy //

Commissioner. 5.1.51

KMR.5.1.

5/1/51.

From the Accountant General, Madras.
To the Municipal Commissioner, Udipi

35

Copy of P.V.Misc.II.6512 Dated 21-3-50.

There is no audit objection to the proposal set out in the last para of your letter quoted above.

Sd.....
Asst.Accounts Officer.

// True copy //

Commissioner.
5-1-51

KMR.5.1.

5/1/51

P

Rc.No.84169-3-E3-50. Office of the Director of Public Health
Madras, Dated:12th April 1951.

Forwarded.

As the retirement of Sri R.W. Nayak, permanent sanitary inspector of Udipi municipality, was not in order, he was permitted to rejoin duty after consulting the Accountant General, Madras. Sri K.S. Nayak who was acting as sanitary inspector in the leave vacancy of the former had to be ousted from service for want of a post consequent on the permanent sanitary inspector rejoining duty. From the report of 3-1-51 of the Municipal Health Officer Udipi, it is seen that the permanent sanitary inspector was allowed to seek other means of earning during the period of extra-ordinary leave and as such his association with the Insurance company cannot be stated to be in violation of rules. The medical certificate of fitness produced by him was from the Assistant Surgeon in charge. As such there is no reason to distrust the validity of the Medical certificate.

13 cont

17277

(B)

This office record D.No.645/E3-1950, wherein his appeal was rejected is enclosed for perusal and return. Sri K.S. Nayak, the petitioner, is now employed as a temporary Health Inspector on cholera duty.

B. Sundaram 17.4.51

for Director of Public Health,
Madras.

To
The Secretary to Government,
Health Department,
Fort St. George,
Madras.

copy of Roc.No.D1-496-9-50 dated the 29th March 1951 from the Health Officer, Udipi municipality to the Director of Public Health, Madras through the Commissioner, Udipi Municipality, Udipi.

Sub: Establishment - Public Health - Udipi - Municipality Sri K.S. Nayak - Ex. Sanitary Inspector - Petition against reinstatement of Permanent sanitary inspector information submitted.

Ref: R.No.84169-1-E3-50 dated 5-3-51 ofthe Director of Public Health,Madras.

With reference to the query of the Director of Public Health quoted above I submit as follows.

In pursuance of this office orders of reinstatement Sri R.W. Nayak, Permanent sanitary inspector rejoined duty on the forenoon of 14-4-50. The Audit of Municipal Accounts relating to this period i.e. for the half year commencing with 1-4-50 has not yet been taken up by the Auditor, and hence the question of audit objection does not arise.

2. In his letter L.F.No.279 dated 19-7-50 addressed to the Commissioner, the District Inspector of Local Fund Accounts however requested to be informed whether the sanction of the Government was obtained for the reemployment of Sri R.W. Nayak, and also to state the circumstances under which he was reeemployed The information required by the Inspector was duly furnished in this office Roc.No.D1-496-6-50 dated 26-7-50. Copies of relevent correspondence on this subject are enclosed. There has been no correspondence with the Examiner of Local Fund Accounts on this matter and no letter has been received from him on this matter at any time.

3. Sri R.W. Nayak attains the age of normal retirement on the forenoon of 19-2-1956.

===

copy of L.F.No.279 dated 19-7-50 from the District Inspector of Local Fund Accounts, South Kanara to the Commissioner, Udipi Municipality.

It would appear that Sri R.W. Nayak, sanitary inspector rejoined duty on 14-4-50. Please state urgently whether there is Government sanction for re-employment and the pay on re-employment. As the information is required urgently it may be furnished by return post. The circumstances under which he was re-employed may also be stated.

---

copy of Roc.No.D1-496-6-50 from the Commissioner of Udipi municipality to the District Inspector of Local Fund Accounts, South Kanara, Mangalore.

Ref: Your letter L.F.279 dated 19-7-50

Sri R.W. Nayak, Sanitary Inspector, was permitted to rejoin duty in pursuance of Accountant General's order No.P.V.Misc. II-6512 dated 21-3-50, a copy of which is enclosed. A copy of letter addressed to the Accountan General on the above subject is also enclosed. The sanction of Government was not obtained for his re-entertainment.

'p' on P35 ante

========

/TRUE COPY/

B. Sundaram 17.4.51

for Director of Public Health, Madras.

sss/18-4-

17/4/51.

Q/15

C.No. 3900b/50

60/14.5/15.

39 - Health (P2)

Memo No: 3900 b - P2/50 - 6 Health dated 12-5-51

Sub: Estt - P.H - Indipi Municipality - Sri. K. S. Nayak, Ex - Sanitary Inspector - Petition against discharge from service.

Ref: From Sri. K.S. Nayak, petition dated 23-10-50
From the Commr, Indipi Mty, N. Dis. No: 8628/50 dated 4-1-51
From the D.P.H, Rc No: 84169-3-ES-50 dated 12-4-51

The petition cited is rejected

2. The Commissioner, Indipi Municipality is informed that in this connection Sri. K. S. Nayak being a probationer in the post of Sanitary Inspector under the Municipal Council, he should have preferential right to re-entertainment in vacancies of Sanitary Inspectors arising under

Pb

under the Municipal Council, after his ousting from the Mcl. Service

11-5-51

12-5-51

SVRK
12.5.51

To
Sri K. S. Nayak
Ex-Sanit. Inspr Udipi Mty
Kadbettu Road,
Udipi
South Kanara Dt
(para 1 only - with ~~the letter on p 99~~ Pb 9 — 14 c/f)

The Commr, Udipi Mty, thro' the C.M.C

The D.P.H
(with the file at (B))

Attested D.P.H
DM 16/5

DM 22/5

2-8/5

pp1-4 c/f
pp29-35 c/f
pp37-38 c/f

From Sri K.S. Nayak, Ex-Sanitary Inspector, Udipi Mty., petition dated 23-10-'50.

" the Commissioner, Udipi Mty., N.Dis. No.8628/50, dated 4-1-'51.

" the D.P.H., Rc.No.84169-3-E3-50 dated 12-4-'51.

Sub:-Establishment - P.H. - Udipi Municipality. Sri R.W. Nayak, Sanitary Inspector - Petition ~~against~~ re-entertainment in service.

Para 2 - p 33 c/f

Sri R.W. Nayak, Sanitary Inspector, Udipi Municipality was on leave from 1-9-'46 to 31-12-47 and he was permitted to retire from service from 1-1-'48 at his request. The A.G. pointed out that the retirement of the Sanitary Inspector was not in order because he had not attained the age of super-annuation, nor was he invalidated from service. When this was pointed out to the retired Sanitary Inspector he expressed his willingness to rejoin duty and he was accordingly re-entertained in Ml. Service. Sri K.S. Nayak, who was acting as Sanitary Inspector from 6-12-'46 in the vacancy caused by the grant of leave to Sri R.W. Nayak was ousted when the latter rejoined duty in April 1950. Sri K.S. Nayak put in a petition to the D.P.H. representing that the re-entertainment of Sri R.W. Nayak was irregular, and that petition was rejected by the D.P.H. Sri K.S. Nayak now requests in his petitions on pp 1-4 c.f that the Govt. may revise the orders of the D.P.H. and do justice to the petitioner.

vide para 2 - p 1 (B)

pp 5 to 8 (B)

The following are the main points advanced by the petitioner in support of his contention:-

Para 2 - p 1 c/f

(1) that Sri R.W. Nayak applied for leave from 1-9-'46 not because of any disability, but purely with the object of doing business after drawing the Provident Fund accumulations standing to his credit. It is alleged that Sri R.W. Nayak was doing insurance business for the Popular Insurance Co. Ltd., Mangalore on behalf of his wife, as a special agent, that he started a registered concern while he was on leave

and that after establishing his business he thought of rejoining duty so that he might derive income from both sources.

(2) that Sri R.W. Nayak was found unfit for out-door duty when he was permitted to retire from service.

(3) that the fact that Sri R.W. Nayak was not in a position to get any pension should not have influenced the M.H.O. to take him back in service after the lapse of nearly 4 years, even without getting the opinion of the D.M.O.

(4) that the order of re-appointment of Sri R.W. Nayak should have been passed only in consultation with the Govt.

(5) that the retirement became complete when all the amounts standing to the credit of the Sanitary Inspector were paid to him.

(6) that the fact that the re-entertainment of Sri R.W. Nayak would affect the interests of a probationer (the petitioner) should have been taken into consideration while deciding the issue.

With reference to point (1) the M.H.O. states that Sri R.W. Nayak was granted extraordinary leave from 29-1-47 to enable him to try other ways of earningg for some time and that what all the Sanitary Inspector did in this direction was done only with the knowledge of the Commissioner. Points (2), (4) (5) and (6) have been considered by the D.P.H. while rejecting the previous petition and those points have been held to be ~~invalid~~ untenable. Reference is invited to the note on pp.1-4 of (B). As Sri Nayak was re-entertained in Ml. service on account of the irregularity pointed out by the ~~D.P.H.~~ A.G., point (3) also deserves no consideration.

The appellant is now employed as a temporary Health Inspector on Cholera duty. In the circumstances stated in ~~item 5~~ para 4(5) on p.8 and in para 6 on ~~page 9 of (B), the appellant cannot claim any~~

being ousted irregularly

~~probationery rights to the post of Sanitary Inspector~~

A | The petition may be rejected. ~~For orders as to circulation to H.M. (H).~~ L.A. may see for remarks, if any.

28-4-51

28-4-51

30/4/57

S

B | I take it the ousted Nayak (Sri K.S. Nayak) is a probationer and so he will have a preferential right to reentertainment in subsequent vacancies.

LA may see for remarks

First

SRK
1.5.51.

Health w.o
3900 b.—P2
1-5-57

L.A.

L.A. dept. (G).

The proposal ~~for transfer~~ at 'A' above may be agreed to, ~~and~~ the views expressed at 'B' above is correct ~~may be concurred in~~. The file may be returned to the Health dept.

3.5.51
KV
4.5.51

4.5.57 Secy

MR.

LAmo 18079/57-1Y
7/5/57
dp 7/5

F
7.5.51

Health

Health (P2)

The notes on pages 1-3 above may be perused Sri K.S. Nayak is not a probationer

4

A draft memo is submitted for approval

11-5-57
CES
11.5.57

4
12.5.57

SRK
12.5.57